

EXHIBIT 5

RE: Joint Letter Regarding Stay of Arbitration Proceedings Between X Corp./Twitter and KROG Claimants

Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>

Wed 3/6/2024 12:02 PM

To: Akiva Cohen <acohen@kusklaw.com>; Sarah Nevins <snevins@jamsadr.com>; Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; mgl@rezlaw.com <mgl@rezlaw.com>

That order only applies to the Zhang arbitration, and it is incorrect to say that Respondent has not yet complied with that order because a stay has been in place. Now that the stay has been lifted, Respondent does intend to comply with the Zhang order in the Zhang arbitration. There is, however, a dispute as to whether that arbitration order applies to other arbitrations which are individual arbitrations before different arbitrators. While Claimants may believe that the order applies beyond Zhang, Respondents do not, and indeed the parties are currently litigating that dispute in federal court, as counsel for Claimants is aware.

Sari M. Alamuddin

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1158 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

sari.alamuddin@morganlewis.com | www.morganlewis.com

Assistant: Rhoda Morris | +1.312.324.1157 | rhoda.morris@morganlewis.com

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From: Akiva Cohen <acohen@kusklaw.com>

Sent: Wednesday, March 6, 2024 10:52 AM

To: Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>; Sarah Nevins <snevins@jamsadr.com>; Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; mgl@rezlaw.com

Subject: Re: Joint Letter Regarding Stay of Arbitration Proceedings Between X Corp./Twitter and KROG Claimants

[EXTERNAL EMAIL]

That is not correct. Judge Maas issued an order in the Zhang Arbitration construing the DRA as requiring Respondents to comply with the Minimum Standards. I attach the order here.

To date, Respondents have not complied with that order (including in the *Zhang* arbitration!), and it appears that Claimants will need to move, arbitration by arbitration, for Sanctions orders under Rule 29 addressing their willful default. But it only "remains a live issue" to the extent that Respondents have determined they will simply refuse to comply with their obligations.

At a bare minimum, we expect JAMS to authorize billing for such sanctions motions to be made against amounts Respondents have already paid in the arbitrations where they have already paid such deposits, given the ruling that such amounts are properly Respondents' obligations under the DRA.

From: Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>

Sent: Wednesday, March 6, 2024 9:29 AM

To: Sarah Nevins <snevins@jamsadr.com>; Akiva Cohen <acohen@kusklaw.com>; Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; mgl@rezlaw.com <mgl@rezlaw.com>

Subject: RE: Joint Letter Regarding Stay of Arbitration Proceedings Between X Corp./Twitter and KROG Claimants

Correct; that remains a live issue.

Sari M. Alamuddin

Morgan, Lewis & Bockius LLP

110 North Wacker Drive, Suite 2800 | Chicago, IL 60606-1511

Direct: +1.312.324.1158 | Main: +1.312.324.1000 | Fax: +1.312.324.1001

sari.alamuddin@morganlewis.com | www.morganlewis.com

Assistant: Rhoda Morris | +1.312.324.1157 | rhoda.morris@morganlewis.com

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From: Sarah Nevins <snevins@jamsadr.com>

Sent: Wednesday, March 6, 2024 8:14 AM

To: Akiva Cohen <acohen@kusklaw.com>; Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>; Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; mgl@rezlaw.com

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[EXTERNAL EMAIL]

Thank you.

I assume that the fee split question has not been solved for cases outside of California, Oregon and Nevada. Please confirm if this is correct.

Sarah



Sarah Nevins
Arbitration Practice Manager –
East/Central

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From: Akiva Cohen <acohen@kusklaw.com>

Sent: Wednesday, March 6, 2024 8:58 AM

To: Sarah Nevins <snevins@jamsadr.com>; Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>; Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; mgl@rezlaw.com

Subject: Re: Joint Letter Regarding Stay of Arbitration Proceedings Between X Corp./Twitter and KROG Claimants

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Good morning, Ms. Nevins. Mediation concluded without an agreement and all cases should be reactivated.

Best,

Akiva

From: Sarah Nevins <snevins@jamsadr.com>

Sent: Wednesday, March 6, 2024 7:58 AM

To: Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>; Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; Akiva Cohen <acohen@kusklaw.com>; mgl@rezlaw.com <mgl@rezlaw.com>

Subject: RE: Joint Letter Regarding Stay of Arbitration Proceedings Between X Corp./Twitter and KROG Claimants

Good Morning Counsel.

I am writing to follow up regarding the status of the cases mediated on February 7. Please advise at your convenience.

Thank you,
Sarah



Sarah Nevins
Arbitration Practice Manager –
East/Central

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From: Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>

Sent: Wednesday, February 21, 2024 8:25 AM

To: Sarah Nevins <snevins@jamsadr.com>; Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; Akiva Cohen <acohen@kusklaw.com>; mgl@rezlaw.com

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The parties are considering a mediator's proposal which remains open until February 23, 2024.
Thank you.

Sari M. Alamuddin

Morgan, Lewis & Bockius LLP

[77 West Wacker Drive, Fifth Floor | Chicago, IL 60601](#)

Direct: [+1.312.324.1158](tel:+13123241158) | Main: [+1.312.324.1000](tel:+13123241000) | Fax: [+1.312.324.1001](tel:+13123241001)

sari.alamuddin@morganlewis.com | www.morganlewis.com

Assistant: Rhoda Morris | [+1.312.324.1157](tel:+13123241157) | rhoda.morris@morganlewis.com

From: Sarah Nevins <snevins@jamsadr.com>

Sent: Wednesday, February 21, 2024 7:22:31 AM

To: Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Cc: Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>; Chowdhry, Kaiser H. <kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; Akiva Cohen <acohen@kusklaw.com>; mgl@rezlaw.com <mgl@rezlaw.com>

Subject: RE: Joint Letter Regarding Stay of Arbitration Proceedings Between X Corp./Twitter and KROG Claimants

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Good Morning Counsel.

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Thank you,
Sarah



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Arbitration Practice Manager – East/Central

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From: Stephenson, Kassia <kassia.stephenson@morganlewis.com>

Sent: Thursday, December 21, 2023 4:47 PM

To: Sarah Nevins <snevins@jamsadr.com>

Cc: Alamuddin, Sari M. <sari.alamuddin@morganlewis.com>; Chowdhry, Kaiser H.

<kaiser.chowdhry@morganlewis.com>; Mike Dunford <mdunford@kusklaw.com>; Akiva Cohen

<acohen@kusklaw.com>; mgl@rezlaw.com

Subject: Joint Letter Regarding Stay of Arbitration Proceedings Between X Corp./Twitter and KROG Claimants

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Ms. Nevins,

Please see attached for the Parties' joint letter to JAMS regarding the Parties' agreement to a stay of all pending arbitrations. Please let us know if you have any questions or need anything further.

Thank you,

Kassia Stephenson

Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105

Direct: +1.415.442.1349 | Main: +1.415.442.1000 | Fax: +1.415.442.1001

kassia.stephenson@morganlewis.com | www.morganlewis.com

Assistant: Lilliam Quave | +1.415.442.1587 | lilliam.quave@morganlewis.com

OOO 12/27/23 – 1/7/24



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